

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOSEPH JERMANO, et al.,

Case No. 13-10610

Plaintiffs,

Hon. Matthew F. Leitman

Hon. Mag. Mona K. Majzoub

v.

GRACO CHILDREN'S PRODUCTS, INC.,

Defendant.

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**PLAINTIFFS' EX PARTE MOTION PURSUANT TO
E.D. MICH. L.R. 7.1(d)(3)(A) FOR LEAVE TO FILE SUPPLEMENTAL
BRIEF IN EXCESS OF TWENTY-FIVE PAGES**

For the following reasons, Plaintiffs (“the Jermanos”), through their attorneys and in accordance with E.D. Mich. LR 7.1(d)(3)(A), seeks leave to file their Supplemental Brief in Opposition to Defendant’s Motion to File a Notice of Nonparty at Fault in excess of twenty-five pages.

1) On October 24, 2014, this Court ordered the Parties to the above-captioned matter to submit supplemental briefs with respect to Defendant’s motion for leave to file a notice of nonparty at fault (“Order”). (D.E. 31)

2) The Order not only ordered supplemental briefing on the issue of Defendant’s motion, but also ordered the Parties to brief the issue of whether the law of Michigan or Pennsylvania (or some other state) applied. (D.E. 31, Pg ID 270)

3) The Order stated that the Parties’ respective briefs “shall be no more than twenty-five (25) pages each”; however, the Order also provided that “[t]he parties may seek additional pages, if necessary, by e-mailing the Court’s Case Manager, Holly Monda.”

4) Consistent with the Court’s Order, the Jermanos are now e-mailing this motion and are requesting an additional ten (10) pages (absent the signature block) of briefing.

5) The Jermanos have diligently worked to provide the Court with a thorough, yet concise, supplemental brief; however, a proper choice of law

analysis is detailed and required the Jermanos to invest nearly twenty-five (25) pages to analyzing the choice of law issue.

6) Defendant's choice of law analysis in its supplemental brief is woefully inadequate and stands in stark contradiction to what is required under proper choice of law determination. Thus, the Jermano's respectfully maintain that the Court should not gauge the Jermano's request for additional pages of briefing by what Defendant has filed.

7) Indeed, the choice of law issue is critical to this case, and the Jermano's respectfully maintain that the Court would benefit from the additional pages of briefing.

8) As currently drafted in proposed final form, the Jermanos' supplemental brief consists of 35 pages, with the signature block appearing on page 36. Thus, the Jermanos respectfully request that the Court allow the Jermanos an additional ten (10) pages of briefing, excluding the signature block.

WHEREFORE, for the above-stated reasons, the Jermanos respectfully request that this Court grant this ex parte motion and allow the Jermanos to file a supplemental brief consisting of 35 pages, exclusive of the signature block.

Respectfully submitted,

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